



**Town of Arlington**  
**Department of Health and Human Services**  
**Office of the Board of Health**  
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**Regulation of the Arlington Board of Health Restricting the Sale of Medical Marijuana**

**A. Statement of Purpose:**

Whereas the citizens of Massachusetts voted in November of 2012 to declare there should be no punishment under state law for Qualifying Patients and health care professionals, Personal Caregivers for patients, or Registered Marijuana Dispensary Agents for the medical use of marijuana.

Whereas the Town of Arlington aims to abide by the aim of this law and ensure that Registered Marijuana Dispensaries abide by further regulations to ensure the public health and public safety of our residents.

Now, therefore it is the intention of the Town of Arlington to regulate the cultivation and sale of medical marijuana.

**B. Authority:**

This regulation is promulgated pursuant to the authority granted to the Arlington Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

**C. Definitions:**

For the purpose of this regulation, the following words shall have the following meanings. Terms not herein defined shall be used as defined in 105 CMR 725.000: IMPLEMENTATION OF AN ACT FOR THE HUMANITARIAN MEDICAL USE OF MARIJUANA.

**Blunt Wrap:** Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

**Board of Health:** The Town of Arlington Board of Health and any of its authorized agents and representatives.

**Business Agent:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**Card Holder:** A Registered Qualifying Patient, a Personal Caregiver, or a Dispensary Agent of a Registered Marijuana Dispensary who has been issued and possesses a valid Registration Card.

**Cultivation Site:** The building, structure, enclosed space, area, room or group of rooms, and associated equipment and fixtures, where the cultivation of marijuana occurs pursuant only to a Hardship Cultivation

**Registration.** This shall not refer to a site or facility where the cultivation of marijuana by a Registered Marijuana Dispensary occurs, which shall be considered a Registered Marijuana Dispensary requiring a Permit to Operate a Medical Marijuana Dispensary.

**Dispensary Agent:** A board member, director, employee, executive, manager, or volunteer of a Registered Marijuana Dispensary, who is at least 21 years of age and who has received approval from the state under 105 CMR 725.030. Employee includes a consultant or contractor who provides on-site services to a Registered Marijuana Dispensary related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

**Dispensary Agent Permit:** A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, which permits an eligible person to be employed by a Registered Marijuana Dispensary.

**Dispensary Agent Permit Holder:** Any employee at a Registered Marijuana Dispensary who applies for and receives a Dispensary Agent Permit.

**E-Cigarette:** Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

**Employee:** Any individual who performs services for an employer.

**Employer:** Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

**Hardship Cultivation Permit:** A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, which permits a Personal Caregiver or a Registered Qualifying Patient to cultivate medical marijuana at a cultivation site within the Town of Arlington.

**Hardship Cultivation Permit Holder:** Any Personal Caregiver or Registered Qualifying Patient engaged in the hardship cultivation of marijuana who applies for and receives a Hardship Cultivation Permit.

**Hardship Cultivation Registration:** A registration issued to a Registered Qualifying Patient under the requirements of 105 CMR 725.035.

**Limited Access Area:** A building, room, or other indoor or outdoor area on the registered premises of a Registered Marijuana Dispensary where marijuana, MIPs, or marijuana by-products are cultivated, stored, weighed, packaged, processed, or disposed, under control of a Registered Marijuana Dispensary, with access limited to only those Dispensary Agents designated by the Registered Marijuana Dispensary.

**Marijuana:** All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products (MIPs) except where the context clearly indicates otherwise.

**Marijuana-Infused Product (MIP):** A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by a Registered Marijuana Dispensary, shall not be considered a food or a drug as defined in M.G.L. c. 94, s. 1.

**Nicotine Delivery Product:** Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

**Non-Residential Roll-Your-Own (RYO) Machine:** A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

**Paraphernalia:** "Drug paraphernalia" as defined in M.G.L. Ch. 94C, §1.

**Permit to Operate a Registered Marijuana Dispensary** (hereafter referred to as "RMD Operating Permit"): A permit issued by the Board of Health, expiring on December 31<sup>st</sup> and to be renewed annually, that permits a Registered Marijuana Dispensary to operate within the Town of Arlington. A separate RMD Operating Permit is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the Registered Marijuana Dispensary is approved by the Massachusetts Department of Public Health to cultivate marijuana or prepare MIPs.

**Permit to Operate a Registered Marijuana Dispensary Holder** (hereafter referred to as "RMD Operating Permit Holder"): Any not-for-profit entity engaged in the sale of medical marijuana that applies for and receives a RMD Operating Permit.

**Personal Caregiver:** A person, registered by the Massachusetts Department of Public Health, who is at least 21 years old, who has agreed to assist with a Registered Qualifying Patient's medical use of marijuana, and is not the Registered Qualifying Patient's certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a Qualifying Patient may serve as a Personal Caregiver, including to patients under 18 years of age as a second caregiver.

**Qualifying Patient:** A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

**Registration Card:** An identification card issued by the Massachusetts Department of Public Health, valid for one year from the date of issue, to a Registered Qualifying Patient, Personal Caregiver, or Dispensary Agent. The Registration Card verifies either that a certifying physician has provided a written certification to the Qualifying Patient and the patient has been registered with the Massachusetts Department of Public Health; that a patient has designated the individual as a Personal Caregiver; that a patient has been granted a hardship cultivation registration; or that a Dispensary Agent has been registered with the Massachusetts Department of Public Health and is authorized to work at a Registered Marijuana Dispensary. The Registration Card allows access into appropriate elements of a Massachusetts Department of Public Health-supported, interoperable

database in which detailed information regarding certifications and possession criteria are stored. The Registration Card identifies for the Massachusetts Department of Public Health and law enforcement authorities, those individuals who are exempt from Massachusetts criminal and civil penalties for the medical use of marijuana in compliance with 105 CMR 725.000 and MGL Ch. 369.

**Registered Marijuana Dispensary:** A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered Qualifying Patients or their Personal Caregiver(s). Unless otherwise specified, Registered Marijuana Dispensaries refers to the site(s) of dispensing, cultivation, and preparation of marijuana (for the purpose of this regulation a Medical Marijuana Treatment Facility shall also be called a Registered Marijuana Dispensary).

**Registered Qualifying Patient:** A Qualifying Patient who has applied for and received a registration card from the Massachusetts Department of Public Health.

**Self-Service Display:** Any display from which customers may select a marijuana product without assistance from a Dispensary Agent or store personnel.

**Smoking:** The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.

**Thirty-Day Supply:** That amount of marijuana, or equivalent amount of marijuana in MIPs, that a Registered Qualifying Patient would reasonably be expected to need over a period of 30 calendar days for his or her personal medical use, which is a maximum of 5 ounces.

**Tobacco Product:** Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff, blunt wraps or tobacco in any of its forms.

**Vending Machine:** Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

**Written Certification:** A form submitted to the Massachusetts Department of Public Health by a Massachusetts licensed certifying physician, describing the Qualifying Patient's pertinent symptoms, specifying the patient's debilitating medical condition, and stating that in the physician's professional opinion the potential benefits of the medical use of marijuana would likely outweigh the health risks for the patient.

#### **D. Permit to Operate a Registered Marijuana Dispensary:**

1. No person shall sell or otherwise distribute marijuana or marijuana products within the Town of Arlington without first obtaining a Permit to Operate a Registered Marijuana Dispensary ("RMD Operating Permit") issued annually by the Board of Health. Only Registered Marijuana Dispensaries with a permanent, non-mobile location in Arlington, meeting zoning restrictions, are eligible to apply for a RMD Operating Permit to maintain a supply of marijuana or marijuana products at the specified location in Arlington.
2. As part of the application process, the applicant will submit to the Board of Health the detailed summary of operating policies and procedures for the Registered Marijuana Dispensary as submitted with their Phase II application per 105 CMR 725.100, including, but not limited to, provisions for security, prevention of

diversion, storage of marijuana, transportation of marijuana, inventory procedures, procedures for quality control and testing of product for potential contaminants, procedures for maintaining confidentiality as required by law, personnel policies, dispensing procedures, record-keeping procedures, plans for patient education, and any plans for patient or Personal Caregiver home-delivery.

3. As part of the RMD Operating Permit application process the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and understands that under this regulation they are responsible for complying with all local and state regulations pertaining to the operation of the Registered Marijuana Dispensary. Specifically, a violation of any provision of 105 CMR 725.000 or other applicable state regulation constitutes a violation of this regulation, which may be enforced by the Board of Health.
4. Each applicant is required to provide proof of a current Certificate of Registration to Operate a Registered Marijuana Dispensary, issued by the Massachusetts Department of Public Health, before a RMD Operating Permit can be issued.
5. The Board of Health will hold a public hearing for the applicant to speak regarding their initial application. The Board of Health may require the applicant to furnish additional information regarding their application before voting to grant or deny the RMD Operating Permit. The Board will not hold a public hearing for renewal applications.
6. Each RMD must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the RMD's operating practices, policies and plans. The community meeting shall be advertised by the RMD through direct mail or other written communication to abutters. A notice of the same shall be advertised in the local newspaper. A report outlining the attendance, comments received, and proposed responses and plans to address the comments shall be submitted to the Board with the renewal application.
7. As a condition of RMD Operating Permit issuance, the Registered Marijuana Dispensary agrees to provide to the Board of Health a copy of their Certificate of Registration, annual renewals thereafter, any changes to the business as described in 105 CMR 725.100(F) and current written operating procedures required in 105 CMR 725.105.
8. As a condition of RMD Operating Permit issuance, the Registered Marijuana Dispensary agrees to provide a home delivery service in accordance with 105 CMR 725.000 to patients who demonstrate an inability to access the Registered Marijuana Dispensary.
9. As a condition of RMD Operating Permit issuance, the Registered Marijuana Dispensary agrees to notify the Board of Health orally and in writing within 24 hours of a visit to the premises or request for information by any representative of the Massachusetts Department of Public Health acting in an official capacity. The Registered Marijuana Dispensary shall provide the Board of Health with any reports, written or electronic correspondence, or information from the Department of Public Health on demand or, in any case, within five (5) business days after receipt by the Registered Marijuana Dispensary.
10. No applicant is permitted to sell alcohol, tobacco products and/or nicotine delivery products and must not be in possession of either a tobacco sales permit or a liquor license issued by the Town of Arlington and/or its Board of Health.

11. No applicant is permitted to hold a common victualler license or food service permit issued by the Board of Health for on-premises food consumption.
12. Applicants who wish to prepare or sell edible MIPs at their Registered Marijuana Dispensary must undergo the Board of Health plan review process for food establishments prior to beginning operations. All edible MIPs shall be prepared, handled and stored in accordance with the requirements of 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments at all times during operation.
13. No applicant is permitted to be a Massachusetts lottery dealer.
14. A separate RMD Operating Permit is required for each retail establishment selling marijuana and/or marijuana products and for each location, not being the same address as the retail establishment, where the Registered Marijuana Dispensary is approved by the Massachusetts Department of Public Health to cultivate marijuana or prepare MIPs.
15. The RMD Operating Permit shall be displayed in an open, conspicuous place in view of the public.
16. Permit to Operate a Registered Marijuana Dispensary Holders ("RMD Operating Permit Holders") shall at all times ensure the buildings, structures, physical facilities, vehicles, fixtures and equipment of the Registered Marijuana Dispensary are being maintained in a sanitary condition, in good repair, free from defects, and in every way fit for the use intended so as to prevent the occurrence of any nuisance conditions or other conditions which may endanger or impair health, safety or wellbeing of an occupant or the general public.
17. Applicants shall develop a plan, subject to review and approval by the Board of Health, for the safe and secure storage and disposal of all marijuana waste and refuse. The plan shall ensure all marijuana waste and refuse is rendered unusable and is disposed of in accordance with applicable law.
18. RMD Operating Permit Holders shall at all times be subject to periodic, unannounced inspections conducted by the Board of Health. Denial of access to the Board of Health may be grounds for immediate suspension or revocation of a RMD Operating Permit.
19. Issuance and maintaining a RMD Operating Permit shall be conditioned on the RMD Operating Permit Holder's compliance with any orders issued by the Board of Health to correct any deficiencies or violations identified during an inspection.
20. Issuance and maintaining a RMD Operating Permit shall be conditioned on an applicant's on-going compliance with this regulation, the requirements set forth in 105 CMR 725.000, a violation of which constitutes a violation of this regulation, which may be enforced by the Board of Health, all other current Commonwealth of Massachusetts requirements and policies regarding marijuana sales, as well as all bylaws and zoning bylaws of the Town of Arlington.
21. RMD Operating Permit Holders agree that a Registered Marijuana Dispensary will not open for business before 9:00 am and shall close no later than 8:00 pm daily.
22. A RMD Operating Permit is non-transferable. A new owner of a Registered Marijuana Dispensary must apply for a new RMD Operating Permit. No new RMD Operating Permit will be issued unless and until all outstanding penalties incurred by the previous RMD Operating Permit Holder are satisfied in full.

23. A RMD Operating Permit will not be renewed if the RMD Operating Permit Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding RMD Operating Permit suspensions.
24. The fee for a RMD Operating Permit shall be determined by the Board of Health annually.

**E. Dispensary Agent Permit:**

1. No Dispensary Agent or person shall sell or otherwise distribute marijuana or marijuana products at a Registered Marijuana Dispensary within the Town of Arlington without first obtaining a Dispensary Agent Permit issued annually by the Board of Health.
2. As part of the Dispensary Agent Permit application process, the applicant will be provided with this regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and understands that under this regulation they are responsible for complying with all local and state regulations pertaining to the operation of the Registered Marijuana Dispensary. Specifically, a violation of any provision of 105 CMR 725.000 or other applicable state regulation constitutes a violation of this regulation, which may be enforced by the Board of Health.
3. Each applicant is required to provide proof by means of a valid government-issued photographic identification containing the bearer's date of birth that the applicant is 21 years old or older.
4. Each applicant is required to provide proof of a current Dispensary Agent registration, issued by the Massachusetts Department of Public Health, before a Dispensary Agent Permit can be issued.
5. Each applicant is required to provide the Criminal Offender Record Information (CORI) report submitted on their behalf to the Massachusetts Department of Public Health by the Registered Marijuana Dispensary.
6. Issuance and maintaining a Dispensary Agent Permit shall be conditioned on an applicant's on-going compliance with this regulation, the requirements set forth in 105 CMR 725.000, a violation of which constitutes a violation of this regulation, which may be enforced by the Board of Health, as well as all other current Commonwealth of Massachusetts requirements and policies regarding marijuana sales.
7. A Dispensary Agent Permit will not be renewed if the Dispensary Agent Permit Holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or has not satisfied any outstanding Dispensary Agent Permit suspensions.
8. Dispensary Agents must present their Massachusetts Department of Public Health Registration Card and Dispensary Agent Permit to any law enforcement officer or municipal agent who questions the agent concerning their marijuana-related activities.
9. The fee for a Dispensary Agent Permit shall be determined by the Board of Health annually.

**F. Marijuana Sales at Registered Marijuana Dispensaries:**

1. No person shall sell marijuana from any location other than at a Registered Marijuana Dispensary that possesses a valid RMD Operating Permit issued by the Board of Health.

2. Registered Marijuana Dispensaries shall only permit Dispensary Agents to transport marijuana or MIPs on their behalf, whether between dispensaries, dispensary sites, or to Registered Qualifying Patients or Personal Caregivers and follow Massachusetts Department of Public Health guidelines found in 725.110(E) which shall be made available to the Arlington Police Department upon request.
3. Registered Marijuana Dispensaries shall permit entry to the Registered Marijuana Dispensary, to specifically engage in activity expressly or by necessary implication permitted by the MGL Ch. 369 and 105 CMR 725.000, to only Registered Qualifying Patients, Personal Caregivers, Dispensary Agents, persons authorized by 105 CMR 725.105(P) and, subject to the requirements of 105 CMR 725.110(C) (4), outside vendors, contractors and visitors.
4. Registered Marijuana Dispensaries shall limit entry to their "Limited Access Areas" to Dispensary Agents and outside vendors, contractors and visitors meeting the requirements found at 105 CMR 725.110(C).
5. Registered Marijuana Dispensaries shall limit sales and/or transactions to quantities of marijuana, or equivalent amounts of marijuana in MIPs, not to exceed a thirty-day supply. A period of time not less than thirty days must elapse before a Registered Qualifying Patient or Personal Caregiver can obtain another thirty day supply from the Registered Marijuana Dispensary.
6. Dispensary Agents shall verify the Registration Card of the Card Holder by means of a valid government-issued photographic identification. No separate identification is required for valid Registration Cards bearing a photograph of the Card Holder.
7. No person shall distribute, or cause to be distributed, any free samples of marijuana or marijuana products. No means, instruments or devices that allow for the redemption of marijuana or marijuana products are prohibited.
8. Registered Marijuana Dispensaries are prohibited from using self-service displays, vending machines or Non-Residential Roll-Your-Own machines. All retail sales of marijuana must be face-to-face between the Dispensary Agent and the Card Holder and occur at the permitted location, unless the Card Holder is the proper recipient of home delivery in accordance with 105 CMR 725.000.
9. The owner or other person in charge of a Registered Marijuana Dispensary shall conspicuously post signage at all entrances indicating that the entry to persons not possessing a valid Registration Card is prohibited. The notice shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person approaching the Registered Marijuana Dispensary.

#### **G. Hardship Cultivation Permit:**

1. No Registered Qualifying Patient, Personal Caregiver or other person shall cultivate marijuana pursuant to a Hardship Cultivation Registration in accordance with 105 CMR 725.000 within the Town of Arlington without first obtaining a Hardship Cultivation Permit issued annually by the Board of Health.
2. Each applicant is required to provide proof of a current Hardship Cultivation Registration and, where applicable, a current registration card for a Personal Caregiver issued by the Massachusetts Department of Public Health before a Hardship Cultivation Permit can be issued.

3. As part of the Hardship Cultivation Permit application process, Personal Caregivers and Registered Qualifying Patients who cultivate marijuana in the Town of Arlington shall submit a copy of the documents provided to the Massachusetts Department of Public Health as outlined in 105 CMR 725.020(A) to the Board of Health.
4. Each Hardship Cultivation Permit Holder shall at all times ensure the cultivation site is being maintained in a sanitary condition, in good repair, free from defects, and in every way fit for the use intended so as to prevent the occurrence of any nuisance conditions or other conditions which may endanger or impair health, safety or wellbeing of an occupant or the general public.
5. A portable fire extinguisher that complies with the regulations and standards adopted by the State Fire Marshal and applicable law shall be securely mounted at each entrance to the room where the cultivation occurs.
6. Hardship Cultivation Permit Holders shall at all times be subject to cultivation site inspections conducted by the Board of Health. Denial of access to the Board of Health may be grounds for immediate suspension or revocation of a Hardship Cultivation Permit.
7. Issuance and maintaining a Hardship Cultivation Permit shall be conditioned on the Hardship Cultivation Permit Holder's compliance with any orders issued by the Board of Health to correct any deficiencies or violations identified during an inspection.
8. Issuance and maintaining a Hardship Cultivation Permit shall be conditioned on the applicant or Hardship Cultivation Permit Holder's on-going compliance with this regulation, the requirements set forth in 105 CMR 725.000, as well as all bylaws and zoning bylaws of the Town of Arlington.
9. The fee for a Hardship Cultivation Permit shall be determined by the Board of Health annually.

#### **H. Registration Card Holders:**

A Registered Qualifying Patient, Personal Caregiver or a Dispensary Agent must notify the Arlington Police Department after he or she discovers that his or her Registration Card has been lost or stolen.

#### **I. Financial Security:**

RMD Operating Permit Holders shall provide a non-cancellable surety bond or other form of surety approved by the Board of Health to cover the cost of removal, closure and/or clean-up in the event the Town must remove, close and/or clean-up the Registered Marijuana Dispensary. The amount and form of the surety bond or any other form of surety shall be determined by the Board of Health, but in no event shall exceed more than 150 percent of the cost of removal, closure and/or clean-up. The RMD Operating Permit Holder shall submit a fully inclusive estimate of the costs associated with removal, closure and/or clean-up, prepared by a qualified Hazardous Waste Remediation Contractor.

#### **K. Violations:**

1. Upon a finding that a RMD Operating Permit Holder, a Dispensary Agent Permit Holder or a Hardship Cultivation Permit Holder has violated any provision of this regulation, the Board of Health may order, in writing, the person(s) responsible for violating this regulation to correct any violation of the provisions of this regulation within a specified timeframe.
2. It shall be the responsibility of the RMD Operating Permit Holder and the Dispensary Agent Permit Holder to ensure compliance with all sections of this regulation pertaining to his or her distribution and/or cultivation of marijuana and/or marijuana products. The violator shall receive:
  - a. In the case of a first violation, a fine of three hundred dollars (\$300.00).
  - b. In the case of a second violation within 36 months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the RMD Operating Permit or Dispensary Agent Permit shall be suspended for seven (7) consecutive business days.
  - c. In the case of three or more violations within a 36 month period, a fine of three hundred dollars (\$300.00) and the RMD Operating Permit or Dispensary Agent Permit shall be suspended for thirty (30) consecutive business days.
  - d. The Board of Health reserves the right to permanently revoke a RMD Operating Permit, Dispensary Agent Permit or Hardship Cultivation Permit for cause.
  - e. If a permit holder has obtained a permit or license from any other licensing or permitting authority within the Town of Arlington, the Board of Health shall notify such authority in writing of any violations of this regulation
  - f. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the RMD Operating Permit and/or Dispensary Agent Permit.
  - g. In addition to the monetary fines set above, any RMD Operating Permit Holder or Dispensary Agent Permit Holder who engages in the sale or distribution of marijuana or marijuana products while his or her RMD Operating Permit or Dispensary Agent Permit is suspended may be subject to the suspension and/or revocation of all Arlington-issued permits and licenses.
  - h. The Board of Health shall provide notice of the intent to suspend or revoke a RMD Operating Permit, Dispensary Agent Permit, or Hardship Cultivation Permit, which notice shall contain the reasons therefore and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The RMD Operating Permit Holder, Dispensary Agent Permit Holder, Hardship Cultivation Permit Holder or other involved party shall have an opportunity to be heard at such hearing. At the conclusion of the hearing, the Board of Health shall vote to suspend or revoke the RMD Operating Permit, Dispensary Agent Permit or Hardship Cultivation Permit if cause for such action is found. All involved parties shall be notified in writing of the Board of Health's decision within seven (7) days of the hearing. For purposes of such suspensions or revocations, the Board of Health shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All marijuana and marijuana products shall be removed from the retail

establishment upon suspension of the RMD Operating Permit. Failure to remove all marijuana and marijuana products shall constitute a separate violation of this regulation.

**L. Non-Criminal Disposition:**

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

**M. Enforcement:**

Enforcement of this regulation shall be by the Arlington Board of Health or its designated agent(s).


Any resident who desires to register a complaint pursuant to this regulation may do so by contacting the Arlington Board of Health or its designated agent(s) and they shall investigate.

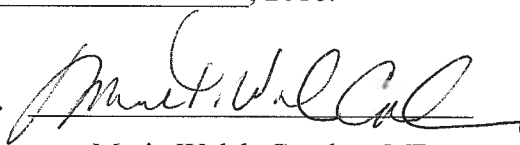
**N. Severability:**

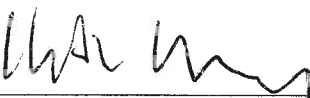
If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

**O. Effective Date:**

This regulation shall take effect on June 23, 2016.

1.   
Michael Fitzpatrick, DMD

2.   
Marie Walsh-Condon, MD

3.   
Kenneth Kohlberg, JD MPH